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Fifth District

February 3, 2012

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

MOTION TO DIRECT THE LEGISLATIVE ADVOCATES IN SACRAMENTO TO SEEK LEGISLATION AMENDING THE BROWN ACT TO AUTHORIZE THE PRESIDENT OF THE UNITED STATES AND THE GOVERNOR TO MEET IN EXECUTIVE SESSIONS WITH THE BOARD OF SUPERVISORS ON MATTERS POSING A THREAT TO THE SECURITY OF PUBLIC BUILDINGS, OR ESSENTIAL PUBLIC SERVICES - (ITEM NO. 8, AGENDA OF FEBRUARY 7, 2012)

Item No. 8 on the February 7, 2012 Agenda is a motion by Supervisor Antonovich recommending that the Board of Supervisors direct the Legislative advocates in Sacramento to seek legislation amending Government Code Section 54957 of the Brown Act to authorize the President of the United States and the Governor to meet in executive session with the Board of Supervisors on matters posing a threat to the security of public buildings, or essential public services.

The Brown Act, enacted by the California Legislature in 1958, governs open meetings conducted by local legislative bodies, such as boards of supervisors, city councils, school boards, municipal corporations, special districts, and all other public entities. The Brown Act is intended to guarantee public access to the meetings of local legislative bodies and provide that all of the deliberative processes by local legislative bodies, including discussion, debate, and the acquisition of information be open and available for public scrutiny.

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Among its provisions, the Brown Act establishes requirements for: posting meeting notices and agendas, notifying the media, convening meetings within the jurisdiction of the governing entity, public inspection of records, the broadcast of public meetings, providing for public testimony, and conducting public votes.

The Brown Act also provides specific exceptions from the open meeting requirements where there is a demonstrated need for confidentiality, and establishes obligations for the conduct of a closed-session as part of a duly noticed public meeting. As specified under Government Code Section 54957 of the Brown Act, local governing bodies may hold closed sessions with the Attorney General, district attorney, agency counsel, sheriff, or chief of police, or their respective deputies, a security consultant or a security operations manager, on matters posing a threat to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service and electric services, or a threat to the public's right of access to public services or public facilities. This motion is to add the President of the United States and the Governor to this list of who could participate in this closed session.

To pursue legislation to amend the Brown Act to authorize the President of the United States and the Governor to meet in executive session with the Board of Supervisors on matters posing a threat to the security of public buildings, or essential public services is a matter for Board policy determination.

We will continue to keep you advised.

WTF:RA
MR:VE:sb

c: Executive Office, Board of Supervisors
County Counsel